

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

TIMOTHY COOK, JR.)	
Plaintiff)	
V.)	Civil Action
)	No.
LYNN & WILLIAM, INC.)	
Defendant)	
)	

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes the Plaintiff in the above-entitled matter and for his complaint states:

General Factual Allegations

1. The Plaintiff, Timothy Cook, Jr., is a resident of Southwest Harbor, Maine.
2. The Defendant, Lynn & William, Inc., is a foreign corporation duly organized and existing under the laws of the State of Maine.
3. On or about August 5, 2021, the Defendant, Lynn & William, Inc., was doing business within the Commonwealth of Massachusetts.
4. On or about August 5, 2021, the Plaintiff, Timothy Cook, Jr., was employed by the Defendant, Lynn & William, Inc..
5. On or about August 5, 2021, the Plaintiff, Timothy Cook, Jr., was employed by the Defendant, Lynn & William, Inc., as a seaman and a member of the crew of the F/V LYNN & WILLIAM.
6. On or about August 5, 2021, the Defendant, Lynn & William, Inc., owned the F/V LYNN & WILLIAM.

7. The Defendant, Lynn & William, Inc., chartered the F/V LYNN & WILLIAM from some other person or entity such that on or about August 5, 2021, the Defendant, Lynn & William, Inc., was the owner pro hac vice of the F/V LYNN & WILLIAM.

8. On or about August 5, 2021, the Defendant, Lynn & William, Inc., operated the F/V LYNN & WILLIAM.

9. On or about August 5, 2021, the Defendant, Lynn & William, Inc., or the Defendant's agents, servants and/or employees, controlled the F/V LYNN & WILLIAM.

10. On or about August 5, 2021, the F/V LYNN & WILLIAM was in navigable waters.

11. On or about August 5, 2021, while in the in the performance of his duties in the service of the F/V LYNN & WILLIAM, the Plaintiff, Timothy Cook, Jr., sustained personal injuries.

12. Prior to and at the time he sustained the above-mentioned personal injuries, the Plaintiff, Timothy Cook, Jr., was exercising due care.

Jurisdiction

13. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §30104 et. seq. (formerly §688 et. seq.).

14. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and alternatively 28 U.S.C. § 1332, 1333.

COUNT I

TIMOTHY COOK, JR. V. LYNN & WILLIAM, INC.
(JONES ACT NEGLIGENCE)

15. The Plaintiff, Timothy Cook, Jr., reiterates the allegations set forth in paragraphs 1 through 14 above.

16. The personal injuries sustained by the Plaintiff, Timothy Cook, Jr., were not caused by any fault on his part but were caused by the negligence of the Defendant, its agents, servants and/or employees.

17. As a result of said injuries, the Plaintiff, Timothy Cook, Jr., has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

18. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Plaintiff, Timothy Cook, Jr., demands judgment against the Defendant, Lynn & William, Inc., in an amount to be determined by a jury together with interest and costs.

COUNT II

TIMOTHY COOK, JR. V. LYNN & WILLIAM, INC.
(GENERAL MARITIME LAW - UNSEAWORTHINESS)

19. The Plaintiff, Timothy Cook, Jr., reiterates the allegations set forth in paragraphs 1 through 14 above.

20. The personal injuries sustained by the Plaintiff, Timothy Cook, Jr., were due to no

fault of his, but were caused by the unseaworthiness of the F/V LYNN & WILLIAM.

21. As a result of said injuries, the Plaintiff, Timothy Cook, Jr., has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

22. This cause of action is brought under the General Maritime Law for unseaworthiness and is for the same cause of action as Count II.

WHEREFORE, the Plaintiff, Timothy Cook, Jr., demands judgment against the Defendant, Lynn & William, Inc., in an amount to be determined by a jury together with interest and costs.

COUNT III

TIMOTHY COOK, JR. V. LYNN & WILLIAM, INC.
(GENERAL MARITIME LAW - MAINTENANCE and CURE)

23. The Plaintiff, Timothy Cook, Jr., reiterates all of the allegations set forth in Paragraphs 1 through 14 above.

24. As a result of the personal injuries described in paragraph 11 above, the Plaintiff, Timothy Cook, Jr., has incurred and will continue to incur expenses for his maintenance and cure.

WHEREFORE, the Plaintiff, Timothy Cook, Jr., demands judgment against the Defendant, Lynn & William, Inc., in an amount to be determined by a jury for maintenance and cure, together with costs and interest.

COUNT IV

Timothy Cook, Jr. vs. Lynn & William, Inc.

**(GENERAL MARITIME LAW/JONES ACT - INTENTIONAL/NEGLIGENT
FAILURE TO PROVIDE MAINTENANCE and CURE)**

25. The Plaintiff, Timothy Cook, Jr., reiterates the allegations set forth in paragraphs 1 through 14 above.

26. As a result of the personal injuries described in paragraph 11 above, the Plaintiff, Timothy Cook, Jr., has incurred and will continue to incur expenses for his maintenance and cure.

27. The Plaintiff, Timothy Cook, Jr., has made demand upon the Defendant, Lynn & William, Inc., for the provision of maintenance and cure.

28. The Defendant, Lynn & William, Inc., has negligently, willfully, arbitrarily, and/or unreasonably failed to provide the Plaintiff with maintenance and cure in a timely and adequate manner.

29. As a result of the Defendant's failure to provide the Plaintiff maintenance and cure, the Plaintiff has sustained and will continue to sustain damages, including without limitation, pain of body and anguish of mind, lost time from his usual work and pursuits, medical and hospital expenses, attorneys fees, and has sustained and will sustain other damages as will be shown at trial.

WHEREFORE, the Plaintiff, Timothy Cook, Jr., demands judgment against the Defendant, Lynn & William, Inc., in an amount to be determined by a jury as compensatory

damages and punitive damages for failure to pay maintenance and cure, together with costs, interest, and reasonable attorneys fees.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES
RAISED IN COUNTS I, II, III & IV**

Respectfully submitted for
the Plaintiff, TIMOTHY COOK, JR.,
by his attorneys,

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